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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,925	03/16/2004	Ronald A. Sowers	23612.00	9571

7590 06/28/2005

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EXAMINER

GELLNER, JEFFREY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,925

Applicant(s)

SOWERS, RONALD A.

Examiner

Jeffrey L. Gellner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 16 March 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement is made of Applicant's IDS received 16 March 2004.

Claim Objections

Claims 2 and 6 are objected to because of the following informalities:

In claim 2, lines 4 and 5, "in said water reservoir" should probably be --in a top end of said water reservoir-- to conform with the language of line 2.

In claim 6, line 4, the term "patent" is unclear in meaning.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US 5,615,516).

As to claim 1, Brown discloses a Christmas tree watering system (Figs. 1-3) for supplying water to a water receptacle of a Christmas tree stand (4 of Fig. 1) supporting a Christmas tree, the system comprising a water reservoir (12 of Fig. 2) having a bottom outlet (28 of Fig. 3); means for securing (14 and 16 of Fig. 2) the water reservoir to the Christmas tree; a conduit (30 of Figs. 1 and 3) extending from the water reservoir to the water receptacle, the conduit having an upper end connected to the bottom outlet of the water reservoir (shown in Fig.

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3) and a lower end (shown in Fig. 1); and, means for securing (32 of Fig. 1) the lower end of the conduit to the trunk of the Christmas tree.

As to Claim 4, Brown further discloses the means for securing the lower end being hook and loop (col. 3 lines 3-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,615,516).

As to claims 2 and 3, the limitations of claim 1 are disclosed and described above.

Brown further discloses a support loop (14 of Figs. 2 and 3) formed in the top end of the water reservoir and the means for securing being a loop or other suitable connector (col. 2 lines 42-43).

Not disclosed is the means for securing being a hook or strip of hook and loop. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Brown by substituting either a hook or strip of hook and loop for a loop since they are functional equivalents depending upon available fasteners.

As to claim 5, the limitations of claim 1 are disclosed and described above. Not disclosed is the system made of plastic. It would have been obvious to one of ordinary skill in the art at the

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time of the invention to modify the system of Brown by making it from plastic so as to use a light weight, durable, inexpensive material.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,615,516) in view of Granger (US 5,661,926; 6th document listed on the 2nd page of Applicant's 1449).

As to claim 6, the limitations of claim 1 are disclosed and described above. Not disclosed is the lower end of the conduit being rigid, so that with pressure applied it remains patent. Granger, however, discloses a system for Christmas with the lower end (22 of Fig. 2) being rigid (col. 3 lines 16-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Brown by using the conduit of Granger depending upon available material for conduit.

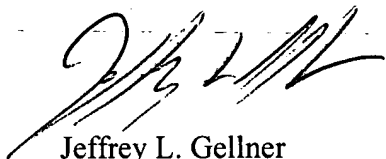
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Gellner whose telephone number is 571.272.6887. The examiner can normally be reached on Monday-Friday, 8:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. L. Gellner', is written over a horizontal dashed line.

Jeffrey L. Gellner
Primary Examiner
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